

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

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BPA Michael Everson

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Jose CRUZ-PEREIRA

Case No.

Case: 2:24-mj-30004

Assigned To : Unassigned

Assign. Date : 1/4/2024

CMP USA V CRUZ-PEREIRA (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 21, 2023 in the county of Livingston in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-Entry after Removal from the United States

Title 18, United States Code, Section 1546(a)

Fraud and Misuse of Documents

This criminal complaint is based on these facts:

On or about December 21, 2023, in the Eastern District of Michigan, Southern Division, Jose CRUZ-PEREIRA, an alien from El Salvador was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about December 2, 2022, at or near Alexandria, LA and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). On or about December 21, 2023, in the Eastern District of Michigan, Jose CRUZ-PEREIRA, did possess, use or attempt to use, a document prescribed by statute or regulation as evidence of authorized stay or employment in the United States, to wit, a U.S. Social Security Card, which he knew to be unlawfully obtained or procured by fraud, in violation of Title 18, United States Code, Section 1546(a).

☒ Continued on the attached sheet.


Complainant's signature

Michael Everson, BPA

Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: January 4, 2024


Judge's signature

City and state: Detroit, MI

Anthony P. Patti U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Jose CRUZ-PEREIRA, which reveals the following:
2. CRUZ-PEREIRA is a thirty-three-year-old male, native and citizen of El Salvador, who last entered the United States at or near an unknown place, on or about an unknown date without being admitted, inspected, or paroled by an Immigration Officer.
3. On or about September 11, 2010, CRUZ-PEREIRA was arrested by the Houston, Texas Police Department and charged with Engaging in Organized Activity and Robbery.
4. On or about February 8, 2011, CRUZ-PEREIRA was convicted in the 208th District Court of Attempted Robbery-3rd degree felony and was sentenced up to 5 years in jail.
5. On or about August 9, 2011, CRUZ-PEREIRA was served an Administrative Removal Final Order by Immigration and Customs Enforcement (ICE).
6. On or about September 23, 2011, CRUZ-PEREIRA was removed back to El Salvador through Houston, Texas.
7. On or about June 10, 2012, CRUZ-PEREIRA was arrested by Border Patrol Agents at or near Sarita, Texas. His prior order of removal was reinstated.
8. On or about August 7, 2012, CRUZ-PEREIRA was removed back to El Salvador through Harlingen, Texas.
9. On or about November 21, 2022, CRUZ-PEREIRA was arrested by

Houston, Texas Police for Driving While Intoxicated.

10. On or about November 23, 2022, CRUZ-PEREIRA was arrested by ICE and his prior order of removal was reinstated.
11. On or about December 2, 2022, CRUZ-PEREIRA was removed back to El Salvador through Alexandria, Louisiana.
12. On or about December 21, 2023, CRUZ-PEREIRA was pulled over by Michigan State Police (MSP) at or near Brighton, Michigan. Border Patrol Agents arrived at the MSP Brighton post following a request from MSP for assistance to identify a subject. CRUZ-PEREIRA presented to the MSP Officer a Texas driver's license falsely identifying himself as Jose Luis CAMACHO-ESTRADA with a different date of birth of March 8, 1993. The driver's license contained the true picture of CRUZ-PEREIRA but the false name and false date of birth. CRUZ-PEREIRA also had in his possession a temporary driver's permit which contained the same false name and false date of birth, along with his true picture. In addition to presenting the driver's license, CRUZ-PEREIRA presented a fraudulent social security card, which contained the name of Jose Luis CAMACHO-ESTRADA. CRUZ-PEREIRA admitted to purchasing the social security card in Houston, Texas sometime during June of 2022. CRUZ-PEREIRA was transported to the Detroit Border Patrol Station for processing. His prior order of removal was reinstated.
13. Jose CRUZ-PEREIRA's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that CRUZ-PEREIRA is a citizen of El Salvador with the foregoing immigration history who has been previously removed from the United States. The record checks did not provide any evidence that CRUZ-PEREIRA legally entered the United States or had been issued any document or status that would allow him to enter or remain the United States.
14. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of

any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

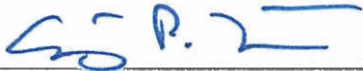
15. Review of the Alien File (A# xxx xxx 543) for Jose CRUZ-PEREIRA and queries in Department of Homeland Security databases confirm no record exists of CRUZ-PEREIRA obtaining the express permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on December 2, 2022.
16. Based on the above information, I believe there is probable cause to conclude that Jose CRUZ-PEREIRA, is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).
17. Based on the above information, I believe there is probable cause to conclude that Jose CRUZ-PEREIRA, did possess, attempt to use or used a document prescribed by statute or regulation as evidence of authorized stay or employment in the United States, that is a United States Social Security card in the name of Jose Luis CAMACHO-ESTRADA, which he knew to be unlawfully obtained, or procured by fraud, because he purchased the social security card which contained the name of another individual, in violation of

Title 18, United States Code, Section 1546(a).



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Anthony P. Patti January 4, 2024
United States Magistrate Judge